

IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS GALVESTON
DIVISION

TERRY PETTEWAY et al.,

Plaintiffs,

v.

GALVESTON, TEXAS et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:22-CV-00057

DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

Pursuant to Federal Rules of Civil Procedure 26(a)(2)(A) and the Court's July 15, 2022, Amended Docket-Control Order (ECF No. 66), Defendants designate the following individuals as expert witnesses:

1. **Professor John Alford.** Professor Alford, a Professor of Political Science at Rice University. His scholarship has focused on the area of elections and voting behavior, with an emphasis on the American Congress. Over the last thirty years, Professor Alford has worked with numerous local governments on districting plans and on Voting Rights Act issues. Additionally, Professor Alford has previously provided expert reports and/or testified as an expert witness in voting rights and statistical issues in a variety of court cases, including on behalf of the U.S. Attorney in Houston, the Texas Attorney General, a U.S. Congressman, and various cities and school districts. Professor Alford is expected to provide testimony regarding his analysis under *Gingles* II and III, and will be responding to Professors Barreto, Oskooi, and Trounstin on their analysis under *Gingles* II and III.
2. **Professor Mark Owens.** Professor Owens, the Director of the UT Tyler Center for Opinion research. His scholarship examines how the public respond to institutions and how institutions operate. Professor Owens has taught courses on Congress, voting behavior, state politics, and research methods at the undergraduate and graduate level. Professor Owens has authored numerous journal articles on

legislative politics and social behavior, which can be found in American Political Research, Legislative Studies Quarterly, Social Sciences Quarterly, and other academic journals. Professor Owens has also co-authored a recent book, *Battle for the Heart of Texas*, about the changing preferences of voters in Texas and the increasing civic engagement of Hispanic voters. Professor Owens has also provided expertise during the 2021 redistricting cycle on three occasions. Professor Owens used GIS software to help a non-profit organization in the state of Oklahoma prepare districting plans of state and federal legislative offices for public submission. Professor Owens is expected to provide testimony regarding his analysis under *Gingles I*, and will be responding to Mr. Fairfax, Mr. Cooper, and Mr. Rush's analysis under *Gingles I*.

Both Professor Alford and Professor Owens may also submit reports responding to Plaintiffs' experts, who filed their reports on January 27, that address their intentional discrimination claims and the allegations under the totality of the circumstances test for Section 2 of the Voting Rights Act.

Defendants will serve copies of reports and related curriculum vitae for Professor John Alford and Professor Mark Owens on all parties on March 17, 2023. By agreement of the Parties, for those Plaintiffs' experts who filed their reports on January 27, Defendants may file responsive expert reports on March 31, 2023.

II. Non-Retained Expert Witnesses

Defendants hereby designate and state that they reserve the right to call for the purpose of fact and/or opinion testimony those persons listed in the witness disclosures of each party in this case, as appropriate. Defendants make this designation without conceding the qualifications, reliability, relevancy, or admissibility of such witnesses' opinions.

Defendants additionally reserve the right to elicit, by way of direct or cross examination, opinion testimony from experts designated and/or called by other parties to

the suit.

III. Supplementation And Amendment Of Reports

Defendants reserve the right to supplement and/or amend these designations, including the expert reports provided with these designations, to review, assess, and incorporate as necessary any discovery that becomes available after this designation. This includes the ability of Defendants to amend their expert reports to address any amendments to Plaintiffs' expert reports. Finally, Defendants reserve the right to amend their expert reports to correct any calculation errors and typographical errors.

IV. Additional Designations

Defendants hereby reserve their right to designate any rebuttal expert witnesses.

Dated: March 17, 2023

Respectfully submitted,

/s/ Dallin B. Holt

Dallin B. Holt

Attorney in Charge

Texas Bar No. 24099466

S.D. of Texas Bar No. 3536519

Jason B. Torchinsky*

Shawn T. Sheehy*

dholt@holtzmanvogel.com

jtorchinsky@holtzmanvogel.com

ssheehy@holtzmanvogel.com

HOLTZMAN VOGEL

JOSEFIAK TORCHINSKY

15405 John Marshall Hwy

Haymarket, VA 2019

P: (540) 341-8808

F: (540) 341-8809

** Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all counsel of record on March 17, 2023 through the CM/ECF system.

/s/ Dallin B. Holt

Dallin B. Holt